

ROD DANIELSON, Chapter 13 Trustee 3787 University Avenue Riverside, CA 92501-3332 (951) 826-8000 FAX (951) 826-8090  Chapter 13 Trustee	FOR COURT USE ONLY
<p style="text-align: center;"><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</b></p>	
<p><b>IN RE</b></p> <p>Todd Diedrich Ashley Esquivel</p> <p style="text-align: right;">DEBTORS</p>	<p><b>CHAPTER 13 CASE NO. 6:23-bk-12440-RB</b></p> <p><b>TRUSTEE'S OBJECTION TO PLAN CONFIRMATION AND REQUEST FOR DISMISSAL OR CONVERSION TO CHAPTER 7</b></p> <p><b>341A DATE/TIME: July 26, 2023 9:00 am CONF DATE/TIME: August 23, 2023 11:00 am 3420 Twelfth St. Courtroom: 303 Riverside, CA 92501</b></p>

The Chapter 13 Trustee hereby objects to confirmation of the plan in this case for the reasons set forth in Attachment A, incorporated herein by this reference. The Trustee objects to the plan to the extent that it fails to comply with the mandatory provisions of the bankruptcy code, including but not limited to 11 U.S.C. §1322 and §1325, and any provisions governing disposable income, plan duration, and good faith. The Trustee reserves the right to raise other objections in the course of plan confirmation.

Debtors and counsel are reminded:

1. Failure to appear and prosecute this case at any confirmation hearing or initial or continued meeting of creditors may result in dismissal of the case, including dismissal with a 180-day bar to re-filing. 11 U.S.C. §1307(c), LBR 3015-1(c) and (d), 11 U.S.C. §109(g)(1).
2. Failure to pay all required plan and mortgage payments timely and in the required amounts may result in dismissal of the case, including dismissal with a 180-day bar to re-filing. LBR 3015-1(e) and (k)(4), 11 U.S.C. §§1326(a), 109(g)(1).
3. Debtor is required to cooperate with the Chapter 13 Trustee. 11 U.S.C. §521(3).

4. Any additional documents required to be submitted or requested by the Trustee herein or otherwise must be received by the Trustee not later than 5 business days following the initial 341(a) meeting of creditors.

WHEREFORE, the Chapter 13 Trustee hereby moves this court for its order denying confirmation and dismissing this case, including dismissal with a 180-day bar to re-filing, or converting the case to chapter 7, if appropriate.

DATED: July 26, 2023

/s/ Rod Danielson  
Chapter 13 Trustee

**ATTACHMENT A - DIEDRICH - 6:23-bk-12440-RB**

**Declaration of Rod Danielson in Support For Objection to Plan Confirmation and Request Dismissal**

The Chapter 13 Trustee hereby objects to confirmation of the plan and requests dismissal or conversion of this case on the following grounds and for the following reasons:

Trustee's Objections	Legal Statutory Basis for Objection	Trustee's Action/Documentation/Amendment Requested	Deadline
No Declaration re Post-Petition Pre-confirmation payments was filed.	LBR 3015-1(e)(3) and (m) (6).	File declaration showing Debtor made all payments to come due as of confirmation.	
The plan attempts to bifurcate a secured claim per 11 USC 506(a), or avoid a lien per 11 USC 522(f), but no valuation motion was filed within 28 days of filing the case.	LBR 3015-1(b)(7).		
Income on Schedule I is understated based on proof provided:			
Plan should have conduit mortgage payments thru Trustee to ensure that the mortgage payments are made.	In Re Giesbrecht, 429 B.R. 682 (9th Cir. BAP 2010).		

I declare under penalty of perjury that the foregoing is true and correct. Signed and dated at Riverside, California on 07/26/2023.

/s/ Rod Danielson  
Chapter 13 Trustee

In re: **TODD DIEDRICH  
ASHLEY ESQUIVEL**

Debtor(s)

**Chapter: 13**  
Case Number:  
**6:23-bk-12440-RB**

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

A true and correct copy of the foregoing document entitled: **TRUSTEE'S OBJECTION TO PLAN  
CONFIRMATION AND REQUEST FOR DISMISSAL OR CONVERSION TO CHAPTER 7** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

- 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Orders LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **07/26/2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**US Trustee: ustpregion16.rs.ect@gov.com  
BEN@NEXUSBK.COM**

Service Information continued on attached page

- 2. SERVED BY UNITED STATES MAIL:**

On **07/26/2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor  
TODD DIEDRICH  
ASHLEY ESQUIVEL  
2052 SCOTT DRIVE  
HELENA, MT 59601

Service Information continued on attached page

- 3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on \_\_\_\_\_ I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service Information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

07/26/2023

Date

Susan Jones

Type Name



Signature